

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

MARIA HART and TRACEE LE FLORE,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

NAVY FEDERAL CREDIT UNION,

Defendant.

Case No. 2:21-cv-44-RMG

**CONFERENCE AND SCHEDULING  
ORDER**

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case. This order is entered to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time, and at the least possible cost to litigants. Discovery may begin upon receipt of this order.

1. Rule 26(f) Conference: A conference of the parties pursuant to Fed. R. Civ. P. 26(f) shall be held no later than August 2, 2021.<sup>1</sup>
2. Rule 26(a)(1) Initial Disclosures: No later than August 16, 2021, the required initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made.<sup>2</sup>
3. Rule 26(f) Report: No later than August 16, 2021, the parties shall file a Fed. R. Civ. P. 26(f) Report in the form attached to this order.<sup>3</sup>
4. Mediation: As part of the Rule 26(f) Report, the parties are to file the form entitled “Mediation of Cases Pending Before Judge Gergel,” which is contained within the

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<sup>1</sup> Plaintiff's counsel shall initiate the scheduling of the Rule 26(f) conference with all counsel known to plaintiff regardless of whether they have filed appearances. At conference, the parties shall confer concerning all matters set forth in Rule 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary. See attached form – RULE 26(f) REPORT. The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge (form available on website).

<sup>2</sup> Pursuant to Fed. R. Civ. P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed. R. Civ. P. 29 and Local Civil Rule 29.01.

<sup>3</sup> Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report. See also Local Civil Rule 26.02 (rules for answering court interrogatories).

attached Special Instructions of Judge Richard Mark Gergel. The completed form is attached.<sup>4</sup>

5. Class Certification Motion: No later than February 16, 2022, Plaintiff shall file and serve a motion for class certification.
6. Deadline for Discovery from Plaintiff Related to Class Certification: No later than March 9, 2022, Plaintiff shall complete discovery as to class certification, including the deposition of any Plaintiff expert.
7. Class Certification Opposition: No later than March 30, 2022, Defendant shall file and serve any opposition to class certification.
8. Deadline for Discovery from Defendant Related to Class Certification: No later than April 14, 2022, Defendant shall complete discovery as to class certification, including the deposition of any Defendant expert.
9. Class Certification Reply: No later than April 26, 2022, Plaintiff shall file and serve any reply in support of class certification.
10. Amendment of Pleadings: Motions to join other parties and amend the pleadings shall be filed no later than June 1, 2022.
11. Expert Witnesses: Parties shall file and serve a document identifying by full name, address, and telephone number each person whom they expect to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to the parties by the following dates:

Plaintiff: June 8, 2022

Defendant: July 8, 2022

12. Records Custodian Witnesses: Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than July 18, 2022. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
13. Discovery: Discovery shall be completed no later than August 10, 2022. All discovery requests shall be served in time for the responses thereto to be served by this deadline. De bene esse depositions must be completed by discovery

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<sup>4</sup> The Court will issue a separate Order on mediation.

deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.

14. **Motions in Limine:** Motions in limine must be filed no later than **fifteen (15) business days prior to jury selection.**
15. **Dispositive Motions and Daubert Motions:** All dispositive motions and Daubert motions shall be filed on or before **September 1, 2022.**
16. **Pretrial Disclosures:** No later than **twenty-one (21) business days prior to jury selection**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4).
17. **Pretrial Briefs:** Parties shall furnish the Court and serve pretrial briefs **five (5) business days prior to the date set for jury selection** (Local Civil Rule 26.05). Attorneys shall meet at least five (5) business days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
18. **Trial:** This case is subject to being called for jury selection and/or trial on or after **November 24, 2022.**

The Court's ruling on class certification will dictate the extent of additional merits discovery following class certification, expected to be focused on the identification of class members for class notice purposes and class-wide damages. Assuming class notice is required, time will need to be built in for the notice plan. Therefore, paragraphs 11-13, 15, and 18 above are subject to modification by Court order.

The parties' attention is directed to the Special Instructions for Cases Before Judge Richard Mark Gergel, attached hereto and also available on the District Court's website at [www.scd.uscourts.gov](http://www.scd.uscourts.gov).

Date: \_\_\_\_\_

Charleston, South Carolina

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Richard Mark Gergel  
United States District Judge